

STATE OF CALIFORNIA
WATER RESOURCES CONTROL BOARD
DIVISION OF WATER RIGHTS

PERMIT FOR DIVERSION AND USE OF WATER

PERMIT 20688

Application 30108 of Lake Pillsbury Ranch

c/o George Goobanoff, 218 Burgundy Road, Healdsburg, CA 95448

filed on April 17, 1992, has been approved by the State Water Resources Control Board SUBJECT TO VESTED RIGHTS and to the limitations and conditions of this Permit.

Permittee is hereby authorized to divert and use water as follows:

1. Source:

Tributary to:

Salmon Creek

Lake Pillsbury thence

Eel River

2. Location of point of diversion:

40-acre subdivision
of public land survey
or projection thereof

Section

Town-
ship

Range

Base
and
Meridian

DIVERSION TO OFFSTREAM STORAGE
SOUTH 3,000 FEET AND EAST 1,450 FEET
FROM NW CORNER OF SECTION 28

NE $\frac{1}{4}$ OF SW $\frac{1}{4}$

28

19N

10W

MD

OFFSTREAM STORAGE
UNNAMED RESERVOIR WITHIN

SE $\frac{1}{4}$ OF SW $\frac{1}{4}$

28

19N

10W

MD

County of Lake

3. Purpose of use:

4. Place of use:

Section

Town-
ship

Range

Base
and
Meridian

Acre

FIRE PROTECTION

RECREATION

UNNAMED RESERVOIR
WITHIN SE $\frac{1}{4}$ OF SW $\frac{1}{4}$

28

19N

10W

MD

The place of use is shown on map on file with the State Water Resources Control Board.

5. The water appropriated shall be limited to the quantity which can be beneficially used and shall not exceed 2.1 acre-feet per annum to be collected from November 1 of each year to March 31 of the succeeding year. (0000005)

The maximum rate of diversion to offstream storage shall not exceed 1 cubic foot per second. (000005J)

6. The amount authorized for appropriation may be reduced in the license if investigation warrants. (0000006)

7. Construction work shall be completed by December 31, 1996. (0000008)

8. Complete application of the water to the authorized use shall be made by December 31, 1997. (0000009)

9. Progress reports shall be submitted promptly by permittee when requested by the State Water Resources Control Board until a license is issued. (0000010)

10. Permittee shall allow representatives of the State Water Resources Control Board and other parties, as may be authorized from time to time by said Board, reasonable access to project works to determine compliance with the terms of this permit. (0000011)

11. Pursuant to California Water Code Sections 100 and 275, and the common law public trust doctrine, all rights and privileges under this permit and under any license issued pursuant thereto, including method of diversion, method of use, and quantity of water diverted, are subject to the continuing authority of the State Water Resources Control Board in accordance with law and in the interest of the public welfare to protect public trust uses and to prevent waste, unreasonable use, unreasonable method of use or unreasonable method of diversion of said water.

The continuing authority of the Board may be exercised by imposing specific requirements over and above those contained in this permit with a view to eliminating waste of water and to meeting the reasonable water requirements of permittee without unreasonable draft on the source. Permittee may be required to implement a water conservation plan, features of which may include but not necessarily be limited to: (1) reusing or reclaiming the water allocated; (2) using water reclaimed by another entity instead of all or part of the water allocated; (3) restricting diversions so as to eliminate agricultural tailwater or to reduce return flow; (4) suppressing evaporation losses from water surfaces; (5) controlling phreatophytic growth; and (6) installing, maintaining, and operating efficient water measuring devices to assure compliance with the quantity limitations of this permit and to determine accurately water use as against reasonable water requirements for the authorized project. No action will be taken pursuant to this paragraph unless the Board determines, after notice to affected parties and opportunity for hearing, that such specific requirements are physically and financially feasible and are appropriate to the particular situation.

The continuing authority of the Board also may be exercised by imposing further limitations on the diversion and use of water by the permittee in order to protect public trust uses. No action will be taken pursuant to this paragraph unless the Board determines, after notice to affected parties and opportunity for hearing, that such action is consistent with California Constitution Article X, Section 2; is consistent with the public interest and is necessary to preserve or restore the uses protected by the public trust. (0000012)

12. The quantity of water diverted under this permit and under any license issued pursuant thereto is subject to modification by the State Water Resources Control Board if, after notice to the permittee and an opportunity for hearing, the Board finds that such modification is necessary to meet water quality objectives in water quality control plans which have been or hereafter may be established or modified pursuant to Division 7 of the Water Code. No action will be taken pursuant to this paragraph unless the Board finds that (1) adequate waste discharge requirements have been prescribed and are in effect with respect to all waste discharges which have any substantial effect upon water quality in the area involved, and (2) the water quality objectives cannot be achieved solely through the control of waste discharges. (0000013)

13. After the initial filling of the storage reservoir, permittee's right under this permit extends only to water necessary to keep the reservoir full by replacing water lost by evaporation and seepage and to refill if emptied for necessary maintenance or repair. Such right shall be exercised only during the authorized diversion season. (0000040)

14. No debris, soil, silt, concrete, oil, or other foreign substance shall be allowed to enter Salmon Creek or be placed where it may be washed by rainfall or runoff into the creek. All excess materials and debris shall be removed from the work area upon completion of dam and reservoir construction. (0400500)

15. All work below the average high-water mark of Salmon Creek shall be confined to the period from June 15 through October 15. (0400500)

16. Permittee shall undertake bank stabilization measures on Salmon Creek in conjunction with installation of the diversion facilities to offstream storage. The material to be used shall be in accordance with the stream bed alteration agreement issued by the Department of Fish and Game. Nine to eighteen inch rock rip-rap shall be placed around the diversion conduit in such a manner that it does not exceed the original channel boundaries. Bank stabilization material placed below the ordinary high water line shall not exceed an average of one cubic yard per running foot. No material shall be placed in excess of the minimum needed for bank stabilization nor placed in a manner that would subject it to erosion during normal to high streamflow. (0400500)

17. Following replacement of the diversion pipeline, permittee shall implement a revegetation plan as follows: A tier shall be formed above the pipeline with native soil and sand. Trees shall be planted one per 10 lineal feet along the tier. Tree species shall consist of white alder and black cottonwood. Existing trees shall be transplanted along with new seedlings. Annual monitoring shall be conducted to insure that all planted vegetation is alive. If the planted material does not survive, additional trees shall be planted until the area is established. Annual reports, including photographs, shall be submitted to the State Water Resources Control Board and the Department of Fish and Game for five years beginning one year after the issuance date of this permit. The reports shall include the number of each tree species present and the number of trees to be replaced. (0400500)

This permit is issued and permittee takes it subject to the following provisions of the Water Code:

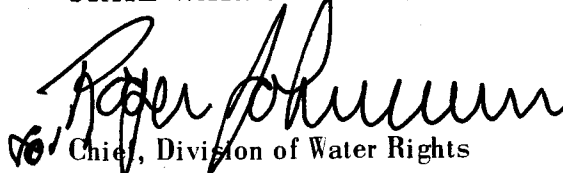
Section 1390. A permit shall be effective for such time as the water actually appropriated under it is used for a useful and beneficial purpose in conformity with this division (of the Water Code), but no longer.

Section 1391. Every permit shall include the enumeration of conditions therein which in substance shall include all of the provisions of this article and the statement that any appropriator of water to whom a permit is issued takes it subject to the conditions therein expressed.

Section 1392. Every permittee, if he accepts a permit, does so under the conditions precedent that no value whatsoever in excess of the actual amount paid to the State therefor shall at any time be assigned to or claimed for any permit granted or issued under the provisions of this division (of the Water Code), or for any rights granted or acquired under the provisions of this division (of the Water Code), in respect to the regulation by any competent public authority of the services or the price of the services to be rendered by any permittee or by the holder of any rights granted or acquired under the provisions of this division (of the Water Code) or in respect to any valuation for purposes of sale to or purchase, whether through condemnation proceedings or otherwise, by the State or any city, city and county, municipal water district, irrigation district, lighting district, or any political subdivision of the State, of the rights and property of any permittee, or the possessor of any rights granted, issued, or acquired under the provisions of this division (of the Water Code).

Dated: OCTOBER -5 1993

STATE WATER RESOURCES CONTROL BOARD


Chief, Division of Water Rights